

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

UNIVERSITY OF CHICAGO,)	
)	
Employer,)	
)	
and)	Case No. 13-RC-198365
)	
LOCAL 743, IBT)	
)	
Petitioner.)	

**PETITIONER’S RESPONSE TO EMPLOYER’S EXCEPTIONS
AND BRIEF IN SUPPORT OF EXCEPTIONS TO THE
HEARING OFFICER’S REPORT ON OBJECTIONS**

This matter is before the Regional Director on the University of Chicago’s (“the Employer” or “U of C”) Exceptions to the Hearing Officer’s Report on Objections to the election conducted for student library workers at the University of Chicago. Hearing Officer Christina Ortiz conducted a hearing regarding the Employer’s objection on January 16 and January 18, 2017. The Hearing officer recommended that the Employer’s objection be overruled. She concluded that the Employer did provide sufficient evidence to meet its burden to prove that the alleged conduct interfered with the exercise of employee free choice. The Employer filed four timely exceptions to the Hearing Officer’s recommendation.

The Employer’s arguments fail to prove error in fact or law in the Hearing Officer’s conclusion that the Employer failed to establish any conduct which tended to interfere with employee free choice. Based on the evidence presented at the hearing and Board precedent, the Board should overrule the Employer’s exceptions and certify the Union as the exclusive bargaining representative selected by the employees.

I. INTRODUCTION

This matter is before the Board on the Employer's Exceptions ("Exceptions") and Brief in Support of Exceptions ("Brief") to the Hearing Officer's Report on Objections ("HOR"), filed on February 28, 2018. The election in this matter was held on June 2 and 5-8. The conduct in question was alleged to have occurred on June 2, only. The Petitioner, International Brotherhood of Teamsters, Local 743 ("Petitioner" or "Union") won the election 67 ballots to 13 ballots in favor of representation by the Union. (HOR, p. 2). Following the election, the Employer filed exceptions with the Region, which were dismissed by the Region. The Employer then appealed that dismissal to the National Labor Relations Board ("Board"). The Board reversed on remanded only on Objection 2, one of four objections the Employer had raised. Objection 2 stated: "On June 2, Petitioner agents, wearing union insignia, stationed themselves in locations where voters would be forced to pass in order to get to the polling places." This was the only issue before the Hearing Officer at hearing on January 16 and 18, 2018.

The Hearing Officer's Report, issued on February 15, 2018, found that the Employer "failed to establish that its objection to the election held on June 2 and 5-8 reasonably tended to interfere with employee free choice." (HOR, p. 9).

II. STANDARD GOVERNING ELECTION OBJECTIONS

As the Hearing Officer correctly identified, "the burden of proof on parties seeking to have a Board-supervised election set aside is a heavy one." (HOR, p. 2, *citing, Delta Brands, Inc.*, 344 NLRB 252, 253 (2005)). There is a strong presumption in favor of the validity of elections conducted by the Board. (HOR, p. 2, *citing, Lockheed Martin Skunk Works*, 331 NLRB 852, 854 (2000), *quoting, NLRB v. Hood Furniture Co.*, 941 F.2d 325, 328. The Employer did not make exception to the Hearing Officer's reliance on these well-established Board principals.

III. THE EMPLOYER’S OBJECTIONS

The Employer has raised four objections to the Hearing Officers Report. However, the Employer’s Objections, as well as the Brief are riddled with inaccurate characterizations of the Hearing Officer’s findings and application of Board precedent to those findings in an attempt to meet its heavy burden, which it fails to do. Therefore, the Petitioner respectfully requests that the Employer’s objections be overruled and the Petitioner be certified as the exclusive bargaining representative the employees choose.

A. The Objection Before the Hearing Officer Was Very Narrow

The Employer’s first objection regards the scope of evidence that the Hearing Officer considered in her Report, stating, “[t]he Hearing Officer incorrectly concluded that the University introduced evidence at the hearing that went beyond the scope of the Objection at issue. (HOR at 1, 6)” (Exceptions, p. 1). The Hearing Officer was not in error in her conclusion on this matter, as only one narrow objection was before her at hearing on the Board’s remand.

The University appealed the Regional Director’s decision on four exceptions to the conduct of the election. (Brief, Ex. 1). On appeal to the Board, the Board reversed and remanded only one of those objections, Objection 2. That Objection was narrow in its scope and regarded only the conduct of Union individuals standing outside the building in which voting was being conducted. (Brief, Ex. 1). The objection makes no mention of any signs. In its exception to the Hearing Officer’s conclusion on the scope of the objection before her, the University is seeking to conflate two of the Objections it raised to the Board.

The Employer’s first objection regarded general electioneering in an alleged no electioneering zone. (Brief, Ex. 1). However, the Board did not remand on this objection. The Objection that the Board remanded on was limited to “Petitioner’s agents, wearing union

insignia, stationed themselves in locations where voters would be forced to pass in order to get to the polling places.” (Brief, Ex. 1). Based on the remanded objection’s narrow scope, the Hearing Officer properly noted that the some evidence presented by the University was not properly before her. (HOR, p. 6, *citing*, *Precision Products Group*, 319 NLRB 640 (1995); *Iowa Lamp Corp.*, 275 NLRB 185 (1985), *internal citations omitted*). Therefore, the Hearing Officer properly excluded evidence presented regarding alleged electioneering with the leaflets and conversation, as this was not properly before her.

The evidence presented by the University at hearing regarding additional leaflets posted on other floors of the Regenstein Library, the presence of a single leaflet on the SSA bulletin board, and a conversation between a Union individual and a potential voter while the polls were closed and at the potential voters request were not germane to the objection before the Hearing Officer, which was limited to the presence of Union agents in areas that voters would be forced to pass on the way to the polling place. The evidence offered by the University regarding the leaflets and the conversation would have been relevant had the Board remanded Objection 1, regarding electioneering. But the Board did not remand Objection 1, and the only issue properly before the Hearing Officer was the allegation that Union agents placed themselves in areas that potential voters would be forced to pass.

The University attempts to argue that the leaflets were important background evidence as what prompted the Board agent to “admonish the Petitioner against posting electioneering material on the way to the polls.” (Brief, p. 9). This however, is both a mischaracterization of the evidence in the record and bears no impact on the Hearing Officer’s analysis of Objection 2. In the record, there was no evidence that the Board agent admonished the Petitioner against posting materials on the way to the polls. In fact, the University’s testimony regarding what the Board

agent allegedly said was limited to instructing the University and the Petitioner that they could remove other posters they saw around the library or in the area. (Ex. 1, Rubenstein, Tr. 37; Goltz, Tr. p. 73). The University's assertion that made a general admonishing regarding materials on the way to the polls. (Brief, p. 9). The Board agent, while standing in the polling place on the third floor of the library, at most, instructed that similar fliers be removed "from the area." (Ex. 1, Rubenstein, Tr. 37).

Regardless, the Hearing Officer did not need to know why the Board agent made any statements regarding alleged electioneering in order to rule on Objection 2. The Hearing Officer considered the Board agent's admonishment, such that it was, in her Report. Despite the University's arguments to the contrary, the Hearing Officer directly addressed the Board agent's statements regarding the leaflets and any relation it had to the Petitioner's agents' conduct in remaining outside of Regenstein library. (HOR, p. 7). The Hearing Officer was correct in excluding the leaflets as evidence of electioneering, as that issue was not properly before her, but was correct in addressing the Board agent's statement regarding electioneering materials. The University has not proven its objection and its objection should be overruled.

B. The Hearing Officer Did Not Err In Her Legal Analysis

The University raises a second exception stating that the Hearing Officer Erred as a matter of law in applying the *Milchem* rule. (Exceptions, p. 1; Brief, p. 10-1). However, the University's argument in this matter is a mischaracterization of the Hearing Officer's Report and the legal analysis she conducted.

The only analysis the Hearing Officer applied the *Milchem* rule to is when she addressed the evidence that the University offered that was outside the scope of the matter before her at hearing. At hearing, the University raised a conversation that took place in the SSA library while

the polls were closed and with a union at the behest of a potential voter. In addressing this evidence, the Hearing Officer applied the *Milchem* rule. *Milchem, Inc.*, 170 NLRB 362 (1968). (HOR, p. 8). She also included a summary of the rule in the analysis portion of the Report. *Id.*, p. 6. In fact, the University fails to cite to where in the Hearing Officer's Report the *Milchem* rule was applied in making the determination that the University did not meet its burden to overturn the election results.

Proper analysis of the Hearing Officer's Report shows that she clearly applied the factors of *Boston Insulated Wire & Cable, Co.*, to the evidence before her to reach her decision. 259 NLRB 1118 (1982). As the Hearing Officer properly identified, a number of factors are considered to "determine whether electioneering outside the scope of the *Milchem* rule 'substantially impaired the exercise of free choice so as to require the holding of a new election.'" (HOR, p. 7, citing, *Boston Insulated Wire & Cable, Co.* 259 NLRB 1118, 1118-9 (1982)). The Hearing Officer then proceeded to properly analyze the evidence presented at hearing through the factors of the *Boston Insulated Wire* rule. She analyzed the alleged electioneering and the distance to the polling place, whether it was conducted in specific no electioneering area or contrary to Board agent instructions, the extent of the alleged electioneering and who was alleged to be electioneering. (HOR, p. 7).

The Hearing Officer clearly and correctly applied the *Boston Insulated Wire* rule to the issue before her at hearing, not the *Milchem* rule as the University suggests. The University's exception is a blatant mischaracterization of the Hearing Officer's legal analysis and should be overruled.

C. The Hearing Officer Did Not Err In Her Analysis of the Employer's Clearly Distinguishable Cited Cases

The Hearing Officer did not improperly distinguish the cases that the University relied upon. The cases are clearly distinguishable on their faces, and the Hearing Officer recognized the clear distinctions. Furthermore, the Hearing Officer relied on cases that were truly factually similar to the instant case in making her decision. Therefore, the University's third exception should be overruled.

The Hearing Officer correctly distinguished *Nathan Katz Realty*, 251 F.3d 981 (D.C. Cir. 2001) and *Star Expansion Indust. Corp.*, 170 NLRB 364 (1968), because those case are plainly distinguishable from the instant case. While the University attempts to contort the facts of *Nathan Katz Realty* to fit the facts of the instant case, it simply cannot be done. In *Nathan Katz Realty*, it was not, simply, that the Board agent had admonished the Union's agents, as the University offers. (Brief, p. 11). In fact, in that case, the behavior occurred in a delineated 25-yard no electioneering zone. *Nathan Katz Realty*, 251 F.3d at 991. There was no finding that a no-electioneering zone had been established in the instant case, clearly distinguishing the instant matter from *Katz*.

Further distinguishing *Katz* from the instant case, and as the Hearing Officer properly recognized, voters in the instant case were not *forced* to walk past the Union's agents on the day of voting. As the University correctly quotes in its Brief, the court in *Katz* stated that two prior Board cases seem to stand for the proposition that it may be objectionable electioneering conduct if agents of one party are "continually present in a place where employees *have to pass* in order to vote." *Nathan Katz Realty*, F251 F.3d at 993 (emphasis added). However, the instant case is clearly distinguishable on this ground as well. As the Hearing Officer correctly found based on the University's witness' testimony there was an entirely separate entrance around the corner, and, even if the voters used the entrance where the Union agents were sitting, they could avoid the

sign and the Union agents by using the accessibility ramp. (HOR, p. 7; Ex. 1, Rubinstein, Tr. 29; Goltz, Tr. 79, 87). The Hearing Officer was correct in distinguishing *Nathan Katz Realty* from the instant case on this ground in addition to the no-electioneering zone distinction.

The University also offered *Star Expansion Indus. Corp.*, 170 NLRB 364 (1968), as a case in support of its position, but the Hearing Officer correctly distinguished this case from the instant matter, as well. In *Star Expansion Indus.*, the Union agent's electioneering took place within 15 feet of the polls, was subject to repeated Board agent instructions to leave the area, and the Board agent establishing a no-electioneering zone 50 feet from the pools, all facts that the University does not acknowledge in its brief. 170 NLRB at 365 (Brief, p. 11). As the Hearing Officer properly recognized, there is a vast difference in distance from the polls between the *Star Expansion* case and the instant case. In the instant case, the Union agents were over 30 feet away from one set of doors to the library, and the polling place was located on the third floor of the library in a windowless room. (HOR, p. 4). Further distinguishing the instant case is that there was no no-electioneering zone established and the Board agent never admonished the Union agents to leave the area, let alone repeatedly, because the University never informed the Board agent that they had concerns about the Union agents' presence. (HOR, p. 7). The Hearing Officers was correct and made legally sound distinctions between the cases offered by the University and the instant case. Therefore, the University's exception three should be overruled.

In its brief, the University attempts to contort both the facts of the cited cases and the facts of the instant case to support its exception, however, such argument should be rejected. The University attempts to argue that the two cases that it relies upon both included findings of no-electioneering zones and that the conduct in both the *Nathan Katz Realty* and *Star Expansion* cases occurred within in the no-electioneering zones. (Brief, p. 11). However, this important

distinguishing fact cannot be ignored. Nor can the fact that the Board agent in this case did not admonish the Union agents' presence outside the Regenstein library or the sign, nor did the Board agent establish a no electioneering zone. (HOR, p. 7-8). Again, this clearly distinguishes the instant case from those the University relies upon.

The University attempts to twist the facts of the current case and the Hearing Officer's findings to meet its needs. The University alleges that the Hearing Officer acknowledged that the Board agent instructed Petitioner's agent to "remove electioneering material on the way to the polls." (Brief, 12). What the Hearing Officer actually found, and what the University witnesses testified to, was that the Board agent instructed both parties to remove any leaflets that they found "in the area." (HOR, p. 5, 8; Rubenstein, Tr. 37). The University's repeated attempt¹ to blatantly stretch the Board agent's statement to encompass all areas "on the way to the polls" is a distortion of not only the evidence presented at the hearing, but also the Hearing Officer's findings. The Hearing Officer specifically stated, "The Board agent's notification to the parties that they remove leaflets from the polling area is not an admonition from electioneering outside the building not visible from the polling location." (HOR, p. 8). She also concluded that, "No evidence suggests that the Petitioner agents acted in defiance of directives aimed at specific conduct". (HOR, p. 7). The Hearing Officer's findings and the evidence that support it were clear that the Board agent did not give a directive that the Union not be present or have a sign outside of the library.

Furthermore, the University's exception is undercut by the fact that the evidence it presented at hearing contradicts its argument. The University states that the crucial question in regards to the cases that it relies upon is "whether a party's agents stationed themselves where

¹ The University repeatedly mischaracterizes both the Board agent's statement according to the evidence presented at hearing by the University's own witness, and the Hearing Officer's finding on what the Board agent said to make the statement appear broader than it actually was. (Brief, 2,6,10,12,13, 14)

voters *would be forced to pass*, in contravention of instructions from a Board agent.” (Brief, p. 12) (emphasis added). Again, there was no evidence presented, and the Hearing Officer did not find, that the Board agent on the day of the hearing admonished the Union agents not to stand outside the library, three floors down from the polling place. More importantly, no voter was *forced* to pass either the Union agents or the sign the displayed in front of the library. The University’s own witnesses admitted, and the Hearing Officer found, that there was a second polling location, there was a second entrance to the Regenstein library that completely avoided the Union agents and sign, and, if the voter used the accessibility ramp, they would also enter the library avoiding the sign and the Union agents. (HOR, p. 7). No voter was *forced* to walk past the Union agents to reach the polling place. This fact completely disproves not only the University’s third exception, but also the entire objection to the election.

The objection stated that the Union agents placed themselves “in locations where voters would be forced to pass in order to get to the polling places.” (Brief, Ex. 1, p. 1). The Board also reversed on the idea that the University could prove that “Petitioner’s agents stationed themselves where voters had to pass”. (Brief, Ex. 3, p. 1, fn. 1). However, the Board agent found, based on the testimony of the University’s own witnesses, that this was untrue.² (HOR, p. 7, Ex. 1, Rubenstein, Tr. 37; Goltz, Tr. p. 73). The Hearing Officer correctly distinguished the cases relied upon by the University and the instant case, and properly concluded that the Objection should be dismissed. Therefore, the University’s exception should be overruled.

² The University does not appear to raise an exception to the Hearing Officer’s finding that the presence of Petitioner’s agents outside the SSA building just prior to the close of the first polling period, rise to the level of objectionable behavior. (HOR, p. 8). This finding is supported by the facts in record, which only established that the Petitioner’s agents were seen in the few minutes prior to the polls closing, and walked into the polling place to observe the sealing of the ballot box at approximately the same time as the University’s agent. (HOR, p. 6, Ex. 1, Rubenstein, p. 47-8, 50).

D. The Hearing Officer's Conclusions Were Correct and Based on the Evidence In the Record

The Hearing Officer was correct based on the facts of the case and Board precedent that no interference with voters' free choice occurred. The University's sole argument is that the conduct in this case was worse than the conduct at issue in the *Nathan Katz Realty* case. In attempting to prove this argument, the University again misconstrues the facts of this case and the Hearing Officer's findings, as well as the facts and holdings of the cases it relies upon. However, the Hearing Officer's actual findings and conclusions are correct and supported by Board case law.

Again, the University attempts to play loose with the facts of this case. It alleges that the Hearing Officer's Report found that the sign in front of one of the entrances to the Regenstein library "specifically instructed students to vote 'UNION YES.'" (Brief, 13). However, it is misleading for the University to state that the Hearing Officer's Report found that the sign specifically instructed votes to vote for the Union. The portion of the Report cited to by the University simply stated what was on the sign, which did not include the word "vote" anywhere, and which the University admitted at hearing. (HOR, p. 4; Ex. 1, Goltz, Tr. 87) The Hearing Officer did not find that the Board agent had instructed petitioners not to post any electioneering material "on the way to the polls" which would include outside the library, but found the exact opposite. (HOR, p. 8).

The University's argument also continues to ignore the important distinguishing facts between the *Nathan Katz Realty* case and the instant case. All of the conduct that the University focuses on in this case occurred well away from the polling place, not in an area that voters

would have to pass to get to the polls, and not in a designated no-electioneering zone. All of those factors, whether the University wishes to acknowledge them or not, were of importance to the *Nathan Katz Realty* case.

In addition, the Hearing Officer's findings is supported by Board precedent in decisions with similar factual patterns to the current case. The alleged electioneering in this case, that the Union was present outside of Regenstein library and had a sign does not meet the Board's standards for electioneering. In *American Medical Response*, 399 NLRB No. 1 (2003), the Union had affixed a pro-union poster on election day to a tree on the employer's property approximately 100 feet from the polling area, but not visible from the polling room. The Board found that this was not improper electioneering, citing to *Peerless Plywood Co.*, 107 NLRB 427 (1953). In that case, the union had also distributed pro-union flyers to employees 50 to 80 feet from the polling area. The Board also found that this was not improper electioneering. The Board went on to state that neither of these activities constituted improper electioneering under *Boston Insulated Wire & Cable Co.*, 259 NLRB 1118, 1119 (1982). None of the incidents alleged to be electioneering in the instant case have been identified as occurring within any close proximity, or even in sight of, to the polling places. (HOR, p. 8). Nor did the University prove that potential voters had to pass the union agents or the sign on the voting day. (HOR, 7). In fact, the University admitted that the voters did not have to pass the sign or the union agents. (Goltz, Tr. 79, 87).

The University attempts to distort the facts and findings of the instant case to support its argument that the conduct at question is worse than the cases it relies upon, but the facts and findings are what they are, and directly controvert the University's position. The Hearing

Officer's conclusions are correct and are supported by facts and are supported by Board precedent. Therefore, the University's fourth exception should be overruled.

E. The Hearing Officer Did Not Err In Her Finding Regarding Removal of The Leaflets

The University argues in its fifth exception that the Hearing Officer erred regarding her findings pertaining to the removal of the leaflets in this case. This exception is a red herring, and, to the extent that it is considered, the University's own testimony at hearing supports the Hearing Officer's findings and conclusions on this matter.

First, the issue of the leaflets is not properly encompassed in the objection that was remanded by the Board for hearing. The objection at hearing was:

The University objects to conduct affecting the election because on June 2, 2017, Petitioner's agents, wearing union insignia, stationed themselves in locations where voters would be forced to pass in order to get to the polls.

(Brief, Ex. 1).

The objection, on its face, is limited to the conduct of the Petitioner's agents and where they were located on the day of the election. It makes no mention of the leaflets as an issue to be addressed. It was the University's first objection, which was not remanded by the Board, which dealt with general electioneering. (Id.) The issue of who the Board agent instructed to remove the leaflets is not germane to the objection at issue.

Should the issue be considered, the University, again, has mischaracterized the facts in evidence and the Hearing Officer's findings. The University stated that the Petitioner's agents "admittedly went out of their way to create this sign and display it on the way to the polling place after the Board Agent's instructions". (Brief, p. 13, fn. 6). While the Union's agents did admit to creating the leaflets, the rest of the University's statement is complete exaggeration and incredibly misleading. While the Petitioner's agents admitted to creating the leaflets, they did not

place them in the libraries, and the University offered no evidence that they did. (HOR, p. 5, 6). The University's blatant mischaracterization of the facts cannot and does not satisfy its burden and proving its exception.

At hearing, the University's witness testified that the Board agent had instructed both parties to remove any leaflets they found "in the area." (Ex. 1, Rubenstein, Tr. 37)³ The University attempts to argue that the Board agent later reversed himself regarding who was responsible for the removal of the leaflets. (Brief, p. 14). However, there is no evidence that the Board agent ever informed the Union that he "reversed himself" on this issue. Even if this conversation took place as the University argues it did, there is no evidence that any other than the Ms. Goltz from the University and the Board agent were aware of his reversal of opinion. Therefore, the Hearing Officer's finding that the Board agent instructed both parties to remove any leaflets that were in the area of the polling place was supported by the facts in the record.

The University also attempts to compare the Board agent's instruction that both parties should remove any leaflets in the area of the polling place, and the Hearing Officer's finding that this was the Board agent's instruction, with the removal of leaflets in the *MikLin Ent., Inc. d/b/a Jimmy John's* case. 361 NLRB 283 (2014). The University argues that should it have removed the leaflets from the library, it could have been subjected to an unfair labor practice charge. (Brief, 14). This is not only hypothetical, but is not supported by the cited *Jimmy John's* case. The *Jimmy John's* case dealt with the unilateral removal of fliers not during an election. 361 NLRB at 284. Here, any removal of the signs, as hypothetical as it is at this point, would have

³ The University again attempts to broaden the statement made by the Board agent regarding the leaflets. In this case, it characterizes his statement as removal of leaflets "that were posted throughout the Regenstein Library." Based on the University witness testimony, the Hearing officer found that the Board agent notification for the removal of leaflets in the polling area. (HOR, p. 8).

been done at the instruction of the Board agent in during the election, which would clearly distinguish it from the cited case.

Furthermore, even if the University did not feel comfortable removing the flies, it did not report any of the fliers, or any of the alleged conduct actually covered by the scope of the objection heard at hearing, to the Board agent on the day of the hearing. (HOR, p. 7). The University chose to observe behavior that it believes directly conflicts with the Board agent's instructions that day but not report it so that it could be immediately addressed. Instead, it chose to hold on to that information to drag out the certification of the election results and deny the employees of representation by their duly elected exclusive representative.

The University's fifth exception should be overruled as regards a matter not before the Hearing Officer on remand. To the extent that it is considered, it should be overruled as the University relies on distorted facts and hypotheticals regarding the removal of leaflets from the Regenstein library.

IV. CONCLUSION

The University was unable to meet the heavy burden of proving its objection at hearing. The University failed to prove that potential voters were forced to pass the Petitioner's agents to reach the polls, which was the only objection that was before the Hearing Officer. The Hearing Officer's findings and conclusions were correct. For the above reasons, the University has not proven its exceptions to the Hearing Officer's Report. Therefore, the Petitioner respectfully requests that the Regional Director overrule the University's Exceptions to the Hearing Officer's Report and certify the election results.

Respectfully submitted,

/s/ Amanda R. Clark

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EXHIBIT 1

1 Street, facing north. What's behind the photograph
2 is a large iron gate that leads to the University's
3 main quadrangle or the main quad which is literally
4 and figuratively the center of the University. It's
5 a large grassy quad area.

6 Q. Are there any other entrances to the
7 Regenstein Library?

8 A. What we see here is the main entrance to
9 the library. There is a side entrance on the east
10 side of the building but it's not pictured in this
11 photograph.

12 Q. Does that entrance face -- What does that
13 entrance face?

14 A. It faces east. It faces a small quad, and
15 that small quad is shared by the Regenstein Library,
16 a residence hall called the Max Palevsky,
17 P-A-L-E-V-S-K-Y, Residence Hall, and a dining hall
18 that's called Bartlett with two Ts, two Ts at the
19 end.

20 Q. In your experience as a University
21 employee, how would you describe the use of each
22 entrance in relationship to each other?

23 MS. CLARK: Can we get some foundation about how
24 he would know -- I mean, it's his experience as an
25 employee. But I don't know if he sits there and

1 watches students come in and out. I don't know the
2 basis of him being able to testify about which
3 entrances he used.

4 BY MS. GOLTZ:

5 Q. In your use of the Regenstein Library -- I
6 believe you testified that you used it on a regular
7 basis, correct?

8 A. Yes.

9 Q. Did you observe foot traffic at each of
10 these entrances?

11 A. Yes. And I used both entrances at
12 different times, and I was a frequent visitor,
13 patron, to the Regenstein Library, weekdays and
14 weekends, and so I did become familiar with foot
15 traffic patterns using each of the entrances.

16 Q. How did you typically get to the
17 Regenstein Library?

18 A. Almost always on bike.

19 Q. Would you -- Did you typically go to one
20 entrance versus another?

21 A. I would typically use the side entrance,
22 which is like the back door to Regenstein. So not
23 the one pictured here. Because there was so much
24 foot traffic coming in and out of the main entrance,
25 and the bike racks were always full, I used the back

1 door because there were bike racks there and there's
2 usually space.

3 HEARING OFFICER ORTEGA: And when you say back
4 door, the east side entrance?

5 THE WITNESS: Exactly right. That's the east
6 side entrance. That's not pictured here.

7 BY MS. GOLTZ:

8 Q. So based on these experiences, did you --
9 how would you describe the foot traffic at one
10 entrance versus the other?

11 A. In my experience over four years working
12 at the University and being a regular visitor to the
13 Regenstein Library, the majority of students,
14 patrons, users of the library, entered and exited
15 through the main entrance on 57th Street which is the
16 one pictured in Joint Exhibit 2.

17 Q. Turning your attention now to Joint
18 Exhibit 3.

19 A. All right. I have Joint Exhibit 3.

20 Q. Do you recognize this as the floor plan
21 for the first floor of the Regenstein Library?

22 A. Yes. This is a floor plan or map of the
23 first floor of the Regenstein Library, and at the
24 bottom of the map is the Joe and Rika Mansueto
25 Library, M-A-N-S-U-E-T-O, and Rika is, R-I-K-A, and

1 that's a separate library that's connected to
2 Regenstein.

3 Q. Can you indicate on this floor plan where
4 the main entrance that you just described is located?

5 A. Yes. The main entrance to Regenstein is
6 in the upper portion of this map, a little bit to the
7 right of center, and it says entrance, and there's
8 two wheelchair icons there. You can see that there's
9 this area where the green dotted space protrudes out
10 into the white space, that indicates the three sets
11 of glass double doors that together form the main
12 entrance to the Regenstein Library.

13 Q. Can you show us where the side entrance
14 that you described is?

15 A. Yes. The side entrance is just above
16 that. So if you go to the top, very top of the page,
17 slightly right of center, you'll see the word
18 entrance, and there's a corridor, that is the side or
19 east entrance. So the orientation of this map is
20 that east is up, west is down, south is to the right,
21 and north is to the left.

22 Q. Where -- Do you recall where the polling
23 place was located within the Regenstein Library on
24 June 2nd?

25 A. Yes.

1 do if you saw other flyers or similar signs?

2 A. Yes. And I -- There was another person
3 who was present that I forgot to mention at the
4 pre-election meeting, and that's a woman named Hannah
5 Landsman, which -- Hannah with an H on the end, and
6 L-A-N-D-S-M-A-N. She's a Human Resources assistant
7 for the University library. She was there too. And
8 Mr. Hampton told Ms. Landsman that --

9 MS. CLARK: Can I object to -- a standing
10 objection to hearsay.

11 HEARING OFFICER ORTEGA: You may. It's
12 overruled.

13 BY THE WITNESS:

14 A. Mr. Hampton told Ms. Landsman that if she
15 saw -- or if Employer representatives saw other vote
16 yes posters around the library they could take them
17 down as well.

18 BY MS. GOLTZ:

19 Q. Did you witness Mr. Hampton tell
20 Ms. Landsman this?

21 A. Yes.

22 Q. What did you do after the conference
23 concluded?

24 A. After the pre-hearing conference
25 concluded, I went to walk around the library and see

1 if there were other signs around, other vote yes
2 signs, Teamsters vote yes signs.

3 Q. Did you observe any other Teamsters vote
4 yes signs?

5 A. Yes, I did.

6 Q. Where did you see them?

7 A. I saw them in two places at the Regenstein
8 Library on the -- One such sign on the fourth floor
9 in the corridor that leads from the elevator/stair
10 area to the book stacks, and also in an identical
11 location on the fifth floor, also the corridor that
12 leads from the elevator/stair area to the book
13 stacks.

14 HEARING OFFICER ORTEGA: Can you repeat when
15 this was.

16 I know you asked. I just didn't hear the
17 answer.

18 THE WITNESS: Should I repeat it?

19 HEARING OFFICER ORTEGA: Yes. If you would just
20 repeat your answer for when was the timing of this.

21 THE WITNESS: This was shortly after the
22 pre-election conference, approximately 9:30, 9:45 in
23 the morning on June 2nd of 2017.

24 HEARING OFFICER ORTEGA: Thank you.

25 BY MS. GOLTZ:

1 Q. If you would turn to Joint Exhibit 6 for
2 me.

3 A. All right. I have Joint Exhibit 6.

4 Q. So the parties have stipulated this is a
5 floor plan of the fourth floor of the Regenstein.

6 Does that look accurate to you?

7 A. Yes, this is an accurate map of the fourth
8 floor of the Regenstein Library.

9 Q. Can you indicate on the map where you saw
10 the Teamsters vote yes sign on the fourth floor?

11 A. Yes. The corridor that leads from the
12 main reading room, which is this green area in the
13 center of the map, slightly above center, there's
14 this corridor, and it's just to the right of
15 Room 460, and this is the corridor that connects the
16 stairs and the elevator to the fourth floor book
17 stacks. So this is where someone exiting the stairs
18 or the elevator headed toward the book stacks would
19 pass through, or someone going from the reading room
20 to the book stacks would pass through, and there's a
21 bulletin board in that corridor, and the vote yes
22 poster was on the bulletin board.

23 Q. And now turning for me to Joint Exhibit 7.

24 HEARING OFFICER ORTEGA: So if we could just
25 stay on Joint Exhibit 6 for a moment just to make it

1 clear.

2 MS. GOLTZ: Sure.

3 HEARING OFFICER ORTEGA: So when you say reading
4 area, that would encompass the rooms that are labeled
5 401, 402, 404, 405.

6 THE WITNESS: That is within the reading room on
7 the fourth floor. The big green space is all
8 together the reading room, and, yes, it encompasses
9 those. And the corridor that I'm talking about is
10 this corridor here in the center of the page
11 immediately to the left of the stair and elevator
12 icons.

13 HEARING OFFICER ORTEGA: Okay. Thank you.

14 BY MS. GOLTZ:

15 Q. So turning to Joint Exhibit 7 which the
16 parties have stipulated is a floor plan of the fifth
17 floor of the Regenstein.

18 Would just for the benefit of the record
19 describe the floor plan generally?

20 A. The floor plan for the fifth floor is, in
21 general terms, the same as the fourth floor. You've
22 got a large reading room which is in the center of
23 the map and it's green. Then there is this light
24 orange area which is the corridor immediately to the
25 left of the stairs and the elevator which are both

1 MS. GOLTZ: Offering University Exhibit 3 into
 2 evidence.
 3 HEARING OFFICER ORTEGA: Any objection?
 4 MS. CLARK: No.
 5 HEARING OFFICER ORTEGA: Exhibit 3 is received.
 6 BY MS. GOLTZ:
 7 Q. Turning -- I'm going to turn your
 8 attention now to the other polling place at the
 9 Social Services Administration building. If you
 10 would just turn to Joint Exhibit 8 with me for a
 11 moment.
 12 A. All right. I have Joint Exhibit 8.
 13 Q. Do you recognize Joint Exhibit 8?
 14 A. Yes, I do.
 15 Q. What do you recognize it to be?
 16 A. Joint Exhibit 8 is a photograph of the
 17 front of the Social Services Administration building,
 18 SSA building, located on 60th Street at the
 19 University of Chicago campus.
 20 Q. Can you describe the building entrance
 21 generally?
 22 A. Yes. The building is a long rectangle,
 23 and the long way is east to west. So the left side
 24 of the picture is the east side of the building, and
 25 the right side of the picture is the west side of the

1 building. The picture is taken facing south, and the
 2 main entrance to the building is on the left side in
 3 between the branches of the tree that are on the left
 4 side and the stone bench which is up the three steps.
 5 So in the center of the picture there's a low stone
 6 bench. The main entrance is just immediately to the
 7 left of that stone bench as you're looking at it in
 8 the photo.
 9 Q. Once you enter the building, how do you
 10 get to the library itself?
 11 A. You enter through the main entrance. You
 12 walk through the east end of the lobby. You take a
 13 right, and you go through the corridor to arrive at
 14 the library which is located in the back or south end
 15 of the SSA building.
 16 Q. And now just showing you what's been
 17 marked Joint Exhibit 9.
 18 Do you know what Joint Exhibit 9 is?
 19 A. Yes. Joint Exhibit 9 is a map or floor
 20 plan of the SSA Library.
 21 Q. And is this an accurate floor plan of the
 22 SSA Library?
 23 A. Yes.
 24 Q. Did you go to the SSA building at any
 25 point on June 2nd?

1 A. Yes, I did.
 2 Q. Why did you go there?
 3 A. At the lunch break -- There's a two-hour
 4 lunch break where voting stopped in the middle of the
 5 day from 1 o'clock to 3 o'clock, and at the lunch
 6 break the Board agents needed an Employer
 7 representative and a Union representative there to
 8 sign -- to observe the box with the ballots being
 9 sealed up and to sign the seals on the ballot box,
 10 and I went there to be the Employer's representative
 11 for that.
 12 Q. So approximately what time did you arrive
 13 at the building?
 14 A. Approximately 1 p.m.
 15 Q. How did you get there?
 16 A. On my bike.
 17 Q. What did you do when you got to the
 18 building?
 19 A. I arrived at the building and locked up
 20 the bike on the bike rack right outside the SSA main
 21 entrance.
 22 Q. On Joint Exhibit 8, can you show us
 23 which -- where you locked up your bike?
 24 A. Yes. There are two sets of bike racks
 25 outside the building. There's one on the west side,

1 and there's one that's partially obscured by the
 2 shadows from the trees, leaves. I used this one to
 3 the left side of the photograph, on the east side of
 4 the building, the bike rack that's hard to see
 5 through the shadows, but it's there.
 6 Q. Did you notice anything when you arrived
 7 at the SSA building on June 2nd?
 8 A. Yes, I did.
 9 Q. What did you see?
 10 A. There were three people sitting on the
 11 stone bench right outside the main entrance. They're
 12 on the far left end of the stone bench. So the end
 13 of the bench that is farthest to the east, closest to
 14 the main entrance.
 15 Q. Did you know the people that you saw
 16 sitting there?
 17 A. I knew one of the people there.
 18 Q. Who was it?
 19 A. It was Teamsters Local 743 organizer named
 20 Denise.
 21 Q. How did you know Denise?
 22 A. I had met her at a town hall for students
 23 at the library to discuss the unionization petition.
 24 That town hall had been back in May.
 25 HEARING OFFICER ORTEGA: Do you know her last

1 name?
 2 THE WITNESS: I do now, yes. It's Stiger,
 3 S-T-I-G-E-R.
 4
 5 BY MS. GOLTZ:
 6 Q. Did you notice what the people sitting on
 7 the bench were wearing?
 8 A. Yes, I did.
 9 Q. What were they wearing?
 10 A. There were three people. There was two
 11 men -- Sorry -- one man and two women. There was
 12 Ms. Stiger who was wearing a Teamsters Local 743
 13 jacket. It had the Teamsters logo on the front and
 14 her name stitched -- first name stitched on the
 15 jacket. There was a second man there -- There was
 16 only one man. There was a man there, and he was
 17 wearing a Teamsters polo shirt that had the Teamsters
 18 crest or logo on it. There was also a woman there
 19 who was wearing a multi-colored Teamsters button, a
 20 pin-on button.
 21 Q. Could you see the Teamsters apparel from
 22 where you were standing when you locked your bike?
 23 A. Yes. As soon as I finished locking my
 24 bike, I looked and I was able to see the logos.
 25 Q. Did you speak to these people when you saw

1 them?
 2 A. No, I did not.
 3 Q. What did you do next?
 4 A. I finished locking my bike and checked the
 5 time. I wanted to wait until I was sure the polls
 6 had closed. I didn't want to go in when there might
 7 be voters waiting to vote. So I waited until a
 8 little bit after 1 p.m. Then I saw the three
 9 individuals who had been sitting on the bench,
 10 Ms. Stiger and the other two people. They went into
 11 the building through the main entrance, and I went in
 12 after that.
 13 Q. Did you see anything on your way into the
 14 building?
 15 A. Yes, I did.
 16 Q. What did you see?
 17 A. Immediately after going into the SSA
 18 building through the main entrance, to my immediate
 19 left -- So on the -- I'm going to go back to Joint
 20 Exhibit 9 -- Oh, wait, it's not showing here. Little
 21 bit. So you go in the main lobby which is this white
 22 area at the top, walking towards the library, to your
 23 left, there's a bulletin board on the wall that's in
 24 the lobby, and on that bulletin board was another one
 25 of those Teamsters vote yes signs.

1 MS. CLARK: Sorry. Just for clarification.
 2 When you say to your left, are you talking about when
 3 you walked in or as I'm looking at this to my left?
 4 I'm sorry. I just want to --
 5 THE WITNESS: If you're walking into the
 6 building, it's to your left. If it was shown here,
 7 it would actually be on the right. You see where it
 8 says to SSA main lobby and there's an area pointing
 9 up, it would be above that arrow. So the upper right
 10 quadrant of the Joint Exhibit 9.
 11 MS. CLARK: Thank you.
 12 THE WITNESS: Yes. You're welcome.
 13 BY MS. GOLTZ:
 14 Q. Showing you what's been marked University
 15 Exhibit 4.
 16 Do you recognize University Exhibit 4?
 17 A. Yes, I do.
 18 Q. What do you recognize it to be?
 19 A. This is a photograph that I took on the
 20 afternoon of June 2, 2017, shortly after 1 p.m., and
 21 this is a photograph of the bulletin board located in
 22 the SSA lobby. This is on the east wall of the
 23 lobby, and it is a few feet south of the main
 24 entrance. So when you walk in the main entrance of
 25 the SSA building, take two or three steps, turn your

1 head to the left, you would see this bulletin board,
 2 and you walk past this bulletin board to the polling
 3 place.
 4 Q. Does this photo accurately show how the
 5 bulletin board looked on the afternoon of June 2,
 6 2017?
 7 A. Yes, it does.
 8 MS. GOLTZ: I'll offer University Exhibit 4 into
 9 evidence.
 10 MS. CLARK: No objection.
 11 HEARING OFFICER ORTEGA: What time did you take
 12 this photo?
 13 THE WITNESS: Shortly after 1 p.m. on June 2,
 14 2017.
 15 HEARING OFFICER ORTEGA: Was this before or
 16 after you went to the polling place?
 17 THE WITNESS: Before.
 18 HEARING OFFICER ORTEGA: Any objection?
 19 MS. CLARK: No objection.
 20 HEARING OFFICER ORTEGA: Exhibit 4 is received.
 21 BY MS. GOLTZ:
 22 Q. Showing you what's been marked for
 23 identification as University Exhibit 5.
 24 Do you recognize this document?
 25 A. Yes, I do.

1 conversation between Ms. Landsman and Mr. Hampton?
 2 A. So one of the Teamsters representatives
 3 who I now know to be Mr. Gutter was present around
 4 that -- He was either in the room or standing in the
 5 doorway at that time.
 6 Q. Did Mr. Hampton say anything to
 7 Mr. Gutter?
 8 A. Yes. He told him to take down any other
 9 signs that might be in the area.
 10 Q. After the pre-election conference ended,
 11 what did you do?
 12 A. I went to the second floor of the
 13 Regenstein Library.
 14 Q. Why did you go to the second floor?
 15 A. I wanted to see if there were similar
 16 signs there.
 17 Q. What did you see on the second floor?
 18 A. I saw the same signs posted on the
 19 bulletin board in the elevator bank hallway of the
 20 second floor.
 21 Q. I'm going to show you what I have marked
 22 for identification as University Exhibit No. 6 which
 23 is a photograph.
 24 Do you recognize that photograph,
 25 University Exhibit No. 6?

1 A. Yes, I do.
 2 Q. What is this a photograph of?
 3 A. This is a photograph I took of the signs
 4 that were posted on the bulletin board in the -- on
 5 the second floor of the Regenstein Library.
 6 Q. Did you take this photograph on June 2nd
 7 of 2017?
 8 A. Yes. I took it -- It was some point
 9 between 9:30 a.m. and 9:45 a.m. on June 2nd.
 10 Q. Does this photograph, University Exhibit
 11 No. 6, accurately show how the bulletin board in the
 12 second floor corridor that leads from the stairs and
 13 elevator to the book stacks, does it accurately show
 14 how that bulletin board looked that day?
 15 A. Yes, it does.
 16 MR. RUBINSTEIN: Move for admission of
 17 University 6 into evidence.
 18 HEARING OFFICER ORTEGA: Any objection?
 19 MS. CLARK: No objection.
 20 HEARING OFFICER ORTEGA: Exhibit 6 is received.
 21 BY MR. RUBINSTEIN:
 22 Q. What time did the polls at the Regenstein
 23 Library close for the lunch break?
 24 A. 1 p.m.
 25 Q. Did you return to the polling place at the

1 Regenstein Library Room 354 around that time?
 2 A. Yeah, I think I got there at 1:05 p.m.
 3 Q. What happened when you arrived at the
 4 polling place during the lunch break on June 2nd?
 5 A. I witnessed the box being taped, and I
 6 signed over the seal and -- as did another
 7 representative from the Teamsters.
 8 Q. Did you speak to Mr. Hampton at all?
 9 A. I did speak to Mr. Hampton after the box
 10 was sealed and signed.
 11 Q. What did you say to him?
 12 A. I asked him for clarification about the
 13 signs because I didn't understand what he had said to
 14 Ms. Landsman earlier that morning about when she
 15 asked about whether she should take the signs down.
 16 Q. What did Mr. Hampton say to you?
 17 A. He told me that it was really up to the
 18 Union to remove the signs, and he said that he had
 19 instructed them to take down any signs that were on
 20 the way to the polling place.
 21 MS. CLARK: Objection to hearsay on what he told
 22 the Union.
 23 HEARING OFFICER ORTEGA: That's sustained.
 24 BY MR. RUBINSTEIN:
 25 Q. Without telling us what Mr. Hampton said,

1 did Mr. Hampton reply to your question?
 2 A. Yes, he did.
 3 Q. And after hearing Mr. Hampton's reply, did
 4 you understand what the protocol was with regard to
 5 the vote yes signs posted around the library?
 6 A. Yes, I did.
 7 Q. What time did the lunch break end?
 8 A. 3 p.m.
 9 Q. At approximately 4 p.m. that day, June 2nd
 10 of 2017, did you go outside the Regenstein Library?
 11 A. Yes, I did.
 12 Q. Where did you go when you went outside?
 13 A. So I stood outside on the sidewalk area
 14 leading up to the main entrance of the library.
 15 Q. So that's the pedestrian plaza and cement
 16 pathway on the 57th Street side?
 17 A. That's right.
 18 Q. What did you see out there?
 19 A. I saw several Teamsters representatives.
 20 Mr. Gutter was there. At least one of the other
 21 gentlemen from the pre-election conference was also
 22 there standing off to the east side of the staircase,
 23 and there was a large sign that said Teamsters vote
 24 yes Union with Teamsters insignia on it leaning up
 25 against the center handrail of the steps to the

1 Regenstein Library.

2 Q. You said that you saw Mr. Gutter and other
3 Teamsters officials or Teamsters agents there.

4 How did you know that the other people
5 with Mr. Gutter were from the Teamsters?

6 A. At least three of the people that I saw
7 were wearing Teamsters insignia on their shirt.

8 Q. I am showing you what we've marked for
9 identification as University Exhibit 7 for
10 identification which is a photograph.

11 Do you recognize University Exhibit 7?

12 A. Yes. This is a photograph that I took of
13 the sign that I saw at approximately 4 p.m. on
14 June 2, 2017.

15 Q. Where were you standing when you took this
16 photograph?

17 A. So on that walkway that we looked at,
18 there are kind of sets of bushes leading up, and I
19 was just standing right next to one of the bushes.

20 Q. What do we see in the photo -- What are
21 the doors in the background of the photograph?

22 A. Those are the main doors to the building.

23 Q. To the Regenstein Library?

24 A. Yes.

25 Q. And does this photograph accurately show

1 said?

2 A. Yes. It said, on the top, Union election
3 today. Then there's a center row that said Union yes
4 with a check mark. And on the bottom it said ask a
5 Teamsters librarian. On the sides -- On both sides
6 of the poster next to the thing that says Union yes
7 check there were two Teamsters logos on either side
8 of that, those words.

9 Q. Where in relation to the main entrance
10 doors for Regenstein Library was this sign placed?

11 A. So it's right -- It's leaning up against
12 the stairway. I would estimate it's no more than 15
13 to 20 feet away from the main door.

14 Q. And based on what you saw when you were
15 outside the Regenstein Library on the afternoon of
16 June 2nd of 2017, is there anyway for someone
17 entering through that entrance to not see that sign?

18 A. Through that entrance? Through that
19 doorway?

20 Q. Right.

21 A. It's conceivable that someone could have
22 gone around. There is a handicap -- There's a
23 disabled ramp on the far left-hand side of the
24 building. So it's possible to get to that door that
25 way. But that's the only other way.

1 how the entrance to the Regenstein Library looked at
2 about 4 p.m. on June 2, 2017?

3 A. Yes, it does.

4 MR. RUBINSTEIN: Move for University -- Move for
5 admission of University 7 into evidence.

6 HEARING OFFICER ORTEGA: Any objection?

7 MS. CLARK: No objection.

8 BY MR. RUBINSTEIN:

9 Q. So with University 7 --

10 HEARING OFFICER ORTEGA: Excuse me. Hold on. I
11 was reviewing the exhibit. So it's received.

12 MR. RUBINSTEIN: Oh, I'm sorry.

13 HEARING OFFICER ORTEGA: You may proceed.

14 BY MR. RUBINSTEIN:

15 Q. With University Exhibit 7 in evidence, the
16 sign that says Union election today, Union yes, ask a
17 Teamsters librarian --

18 MS. CLARK: I'm going to object. She hasn't
19 identified that that's what it says.

20 HEARING OFFICER ORTEGA: Yeah, I would probably
21 have the witness try to recall from her recollection
22 what the information on the sign is.

23 MR. RUBINSTEIN: Sure.

24 BY MR. RUBINSTEIN:

25 Q. Can you, Ms. Goltz, tell us what the sign

1 Q. Were most of the people entering and
2 exiting the library that afternoon that you saw going
3 the same way as the person shown walking right past
4 the sign in University Exhibit 7?

5 A. Yes.

6 BY MS. GOLTZ:

7 Q. I'm showing you what we have marked as
8 University Exhibit 8 for identification which is a
9 photograph.

10 Can you tell me if you recognize that
11 photograph?

12 A. Yes. This is another photograph I took
13 that afternoon around the same time of day.

14 Q. Does this -- Is this a photograph of the
15 cement path?

16 MS. CLARK: Objection. Can she identify what
17 the photograph is as opposed to counsel offering.

18 MR. RUBINSTEIN: Yes.

19 BY MR. RUBINSTEIN:

20 Q. What is this a photograph of?

21 A. So this is a photograph of the same sign
22 from a different angle, and off to the right side of
23 the sign where you see a gentleman sitting in a
24 bright red shirt, that's Mr. Gutter in the red shirt,
25 and those sort of shadowy silhouettes next to him are

1 the witness.
 2 Thank you.
 3 MS. CLARK: We need a break.
 4 HEARING OFFICER ORTEGA: Before we go to break,
 5 I have one question, and it may be in the formal
 6 documents, but I just want to make sure it's on the
 7 record because I haven't had a chance to review like
 8 all the documents for this one particular item which
 9 is: What is your understanding of the size of the
 10 unit?
 11 THE WITNESS: That's a good question. To be
 12 honest, I can't remember the exact number, although I
 13 should because I prepared the list. But I believe it
 14 was -- I could be completely wrong, but I think it
 15 was around 140. I could be completely wrong about
 16 that.
 17 HEARING OFFICER ORTEGA: And we can ask other
 18 witnesses as we proceed.
 19 THE WITNESS: I can check the list that we
 20 submitted. I just don't remember off the top of my
 21 head.
 22 HEARING OFFICER ORTEGA: Okay. Thank you.
 23 We'll go off the record.
 24 (WHEREUPON, WE WERE OFF THE
 25 RECORD.)

1 HEARING OFFICER ORTEGA: We can go on the
 2 record.
 3 MS. CLARK: Good morning. I just have a
 4 couple -- a few questions on cross.
 5 CROSS-EXAMINATION
 6 BY MS. CLARK:
 7 Q. When you -- You said you found the
 8 picture -- I'm sorry -- the poster on the second
 9 floor which is in Regenstein.
 10 Did you tell Board Agent Hampton that you
 11 had observed that sign?
 12 A. No, I didn't.
 13 Q. You said you returned to the polling place
 14 at Regenstein approximately 1:05 p.m.
 15 How did you enter the library at that
 16 time?
 17 A. I was inside the library already.
 18 Q. So you never left the library?
 19 A. Before 1:05 that afternoon, no, I didn't.
 20 Q. Was 4 p.m. the first time that you exited
 21 the library that day?
 22 A. Yes.
 23 Q. Looking at what's been marked Employer --
 24 or University Exhibit 7.
 25 Can you identify where on this sign it

1 says vote?
 2 A. You're right, it doesn't say vote.
 3 Q. For an individual to enter the Regenstein
 4 Library, they do not have to use this entrance,
 5 correct?
 6 A. That's true.
 7 Q. So on June 2, 2017, they did not have to
 8 walk past this sign to enter the library?
 9 A. It depends on what entrance they were
 10 going through.
 11 HEARING OFFICER ORTEGA: Just to clarify. When
 12 you speak of they, who are you referring to?
 13 BY MS. CLARK:
 14 Q. So anyone entering the library, they,
 15 students, visitors, teachers, professors, would not
 16 have to enter the library through this entrance on
 17 June 2, 2017, correct?
 18 A. It's not a -- There are other ways to
 19 enter the building, if that's what you're asking me.
 20 Q. So that would be they are not required to
 21 enter the building through this entrance?
 22 A. I'm not a hundred percent sure of what you
 23 mean by they. But not every person is -- There's no
 24 requirement that you must enter the building through
 25 this door, that's correct.

1 Q. And I believe during previous testimony by
 2 the University, the other witness, an entrance was
 3 identified on the east side of the building; is that
 4 correct?
 5 A. That's right.
 6 Q. And that entrance is opened to all
 7 students; is that correct?
 8 A. That's right.
 9 Q. And if a student enters through -- a
 10 student or a library employee or a professor, if they
 11 enter through that east side entrance, they would
 12 still be able to get to the third floor, correct?
 13 A. Correct.
 14 Q. Looking at Employer -- or University
 15 Exhibit 9 which is the screen grab of the tweet.
 16 Do you know if Mr. Mihalyfy took this
 17 picture?
 18 A. I don't know.
 19 Q. Did you log into Twitter to get this
 20 picture?
 21 A. I don't know if I actually logged in, but
 22 I went on the website Twitter.
 23 Q. And would you have any reason to doubt
 24 that the time of 11:30 a.m. on June 2, 2017 that
 25 that's not an accurate time?

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

UNIVERSITY OF CHICAGO,)	
)	
Employer,)	
)	
And)	Case No. 13-RC-198365
)	
LOCAL 743,)	
)	
Petitioner.)	

CERTIFICATE OF SERVICE

I, Amanda Clark, state under oath that I caused a copy of the following PETITIONER'S RESPONSE TO EMPLOYER'S EXCEPTIONS AND BRIEF IN SUPPORT OF EXCEPTIONS TO THE HEARING OFFICER'S REPORT ON OBJECTIONS to be e-filed with the National Labor Relations Board on March 8, 2018.

Copies of these filings have been served on the following individuals by e-mail:

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